

U.S. Application No. 09/900,224  
Response AF dated July 5, 2006  
In Reply to Office Action Made Final of May 5, 2006

### REMARKS

Claims 1-5 and 7-18 are pending.

The Examiner objects to the drawings. In particular, it is alleged that "Fig. 6 that was originally filed on 7/6/2001 does not correspond to Fig. 6 that was filed on 2/21/2006. Corrections to Fig. 6 (filed on 2/21/2006) are to be made with respect to new item numbers 70, 200, 202 and 208." Applicant respectfully traverse the objection as set forth below.

Applicant appreciates the thoroughness with which the Examiner has examined the drawings in the present application. However, Applicant would also like to respectfully draw the attention of the Examiner to the Amendment After Final Action dated June 28, 2005 in which Applicant amended drawing sheets 1 and 6 and attached Replacement drawing sheets 1 and 6. In page 5 of the Amendment After Final Action dated June 28, 2005, Applicant amended the specification to accommodate references to the changes in reference numbers. It appears that the original reference numbers 90, 104, 102 and 100 had been used to reference other elements in previous drawings, namely, FIGS. 3 and 5.

If the Examiner is alleging that Applicant is not within his right to change reference numbers, then such an allegation is incorrect. Changing a reference number does not constitute new matter. If the Examiner is alleging that Applicant is not within his right to change reference numbers, then Applicant respectfully requests that the Examiner consult with other Examiners or the Examiner's supervisor before maintaining such an objection.

It is respectfully requested that the objection be withdrawn with respect to the drawings.

Claims 1-5 and 7-18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,118,873 ("Lotspiech"). Applicant respectfully traverse the rejection as set forth below.

FIG. 6 of Lotspiech shows a Calculate Session Key Message 46 that includes a message identification field 48, a renewal generation number field 50, a session key block 52 and an encrypted program 54.

In the Office Action Made Final of May 5, 2006, the Examiner states "[a] session number

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is encrypted with the device key and then transmitted for used in decrypting program”.

Compare to claim 1, which recites “encrypting ... by the first device a portion of the control signal with the parameter signal to generate an encrypted ... parameter signal and control signal”.

*Thus, the Examiner is alleging that the SESSION NUMBER of Lotspiech corresponds to A PORTION OF THE CONTROL SIGNAL as set forth in claim 1.*

*If Applicant has incorrectly interpreted the Examiner’s allegation, then the Examiner needs to specifically note this in the Advisory Action so that we may clarify the Examiner’s argument for appeal.*

By the way, what is the Examiner interpreting as the parameter signal? Please confirm. Thanks.

The problem with the session number of Lotspiech corresponding to a portion of the control signal as set forth in claim 1 is that claim 1 also recites “transmitting by the first device to the second device the control signal and the encrypted ... parameter signal and control signal”.

If the session number is a portion of the control signal, then the Examiner must be alleging that the source 16 is transmitting (1) the control signal including the session number and (2) the encrypted ... parameter signal and control signal.

Applicant respectfully draws the attention of the Examiner to the fact that the source 16 must transmit BOTH (1) the session number and (2) the encrypted session number.

The Examiner presumably alleged that the Calculate Session Key Message 46 of FIG. 4 includes the session key block 52 which allegedly includes the encrypted session number.

HOWEVER, the Calculate Session Key Message 46 does not include BOTH the session number (where is this?) and the encrypted session number (alleged to be in the session key block 52).

*Where in the description of Lotspiech does it specifically describe the source 16 transmitting BOTH the session number and the encrypted session number?*

For at least the above reasons, it is respectfully submitted that an anticipation rejection under

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35 U.S.C. § 102(e) cannot be maintained.

**If the anticipation rejection is not maintained, then it is respectfully submitted that it was an error for the previous office action to be made final. If the anticipation rejection is not maintained, it is respectfully requested that any subsequent office action, if necessary, be made nonfinal.**

It is therefore respectfully requested that the anticipation rejection under 35 U.S.C. § 102(e) be withdrawn with respect to claim 1 and its rejected dependent claims (i.e., claims 2-5 and 11).

The same or similar arguments can be made with respect to claims 7 and 13.

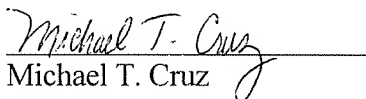
It is therefore respectfully requested that the anticipation rejection under 35 U.S.C. § 102(e) be withdrawn with respect to claims 7 and 13 and their rejected dependent claims (i.e., claims 8-10 and 12 and claims 14-18, respectively).

In view of at least the foregoing, it is respectfully submitted that the pending claims 1-5 and 7-18 are in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: July 5, 2006

Respectfully submitted,

  
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